

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

1) ALEC HAYWARD-PREAUS)	
)	
Plaintiff,)	
)	
v.)	Case No. 24-cv-00009-MTS
)	
2) SMART FUTURES XPRESS, INC.)	
3) AMANDEEP SINGH,)	
)	
Defendants.)	

ERRATA/CORECTION TO DOCUMENT

Due to the exhibits being inadvertently omitted from the filing for Document #2, Notice of Removal, filed January 10, 2024, this Errata/Correction to Document is being submitted with all the exhibits attached hereto.

Respectfully submitted,

**DOERNER, SAUNDERS, DANIEL & ANDERSON,
L.L.P.**

s/ Stuart D. Campbell

Stuart D. Campbell, OBA #11246
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Oklahoma City, OK 73102
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Facsimile (405) 319-3524
kmaddy@dsda.com

***Attorneys for Defendants Smart Futures Xpress,
Inc. and Amandeep Singh***

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2024, a true and correct copy of the foregoing document was submitted to the Clerk of Court using the Court's ECF System for filing and for transmittal of a Notice of Electronic Filing to all counsel of record in this case.

s/ Stuart D. Campbell

**IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA**

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
Foreign for-Profit Corporation; and
AMANDEEP SINGH, an Individual,

Defendants.

Case No. CJ-2023-38

ATTORNEY LIEN CLAIMED

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

SEP 21 2023

CASSIE KEY COURT CLERK

BY _____

PLAINTIFF'S FIRST AMENDED PETITION¹

COMES NOW the Plaintiff, Alec Hayward-Preaus, (hereinafter "Plaintiff and/or Plaintiff's") by and through his attorneys of record, SMOLEN | LAW, PLLC, and for his cause of action against the Defendants, Smart Future Xpress, Inc. (hereinafter "Smart") and Amandeep Singh (hereinafter "Singh"), states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Alec Hayward-Preaus is a citizen of the State of Oklahoma and resides in Ottawa County, Oklahoma.
2. Upon information and belief to be confirmed through discovery, Defendant Smart is a foreign for-profit Corporation doing business in the State of Oklahoma with its principal place of business located in Johnson County, Indiana.
3. Upon information and belief to be confirmed through discovery, Defendant Sing is a citizen of the State of Indiana residing in Johnson County, Indiana.

¹ This amended Petition is filed as a matter of course pursuant to 12 O.S. § 2015(A) as no responsive pleadings have been served.

4. This Court has jurisdiction and venue is proper in Ottawa County, Oklahoma pursuant to 12 O. S. § 134.

FACTUAL ALLEGATIONS

5. Paragraphs 1 through 4 are incorporated herein by reference.

6. At approximately 10:15 p.m. on April 5th, 2021, Plaintiff was driving his tow truck and legally parked on the shoulder of west-bound I-44 with his emergency lights on assisting a broken-down motorist.

7. Defendant Sing was also west-bound on I-44 when he was inattentive, left the roadway unto the shoulder where Plaintiff was legally parked causing a serious rear-end collision with Plaintiff.

8. Plaintiff was seriously injured as a result of the collision.

9. Defendant Sing was cited for Reckless Driving at the scene by Oklahoma Highway Patrol Trooper C. Rohr, in Citation Number N229697, in violation of 47 O.S. § 47.11-901.

10. At the time of the accident at issue, Defendant Smart was an authorized motor carrier operating pursuant to the Federal Motor Carrier Safety Regulations (“FMCSR”), 49 C.F.R. parts 350-399 under USDOT number 63391.

11. Upon information and belief to be confirmed through discovery, at the time of the collision at issue, Defendant Singh, a statutory employee of Defendant Smart, had been engaged in a pattern and practice of operating semi-tractor trucks in contravention of both state and federal laws.

CAUSES OF ACTION

**COUNT I. Negligence/Negligence *per se*
(As to both Defendants)**

12. Paragraphs 1 through 11 are incorporated herein by reference.

13. Defendant Singh, as a statutory employee and/or agent of Defendant Smart, owed a duty to Plaintiff, and all other drivers on the road, to operate the commercial vehicle under his control in a safe and reasonable manner, using ordinary care to prevent injury to other persons and to keep a lookout consistent with the safety of other vehicles.

14. By failing to operate the vehicle in such a way, and by acting recklessly with complete disregard for the health and well-being of Plaintiff and all other drivers on the road, Mr. Singh breached the duty owed.

15. Defendant Singh's breach was the actual and proximate cause of Plaintiff's injuries.

16. At the time of the April 5th, 2021 crash, Defendant Singh was acting in the course and scope of his employment with Defendant Smart. Consequently, Defendant Smart is vicariously liable for Defendant Singh's acts and omissions under the legal theory of *respondeat superior* and is thus liable for the damages as set forth herein.

17. Additionally, at the time of April 5th, 2021 crash, the vehicle driven by Defendant Singh was controlled and operated at the direction of Defendant Smart.

18. Furthermore, at the time of the collision alleged herein, Defendant Smart was the owner of the semi-tractor truck involved in the collision.

19. Defendant Smart is a motor carrier as defined by Title 47 of the Oklahoma Statutes and the Federal Motor Carrier Safety Act.

20. Pursuant to 47 O.S. §§ 169, 230.30 and the Federal Motor Carrier Safety Act, Defendant Smart is liable for the injuries suffered by Plaintiff that resulted from the negligent operation of its semi-tractor trailer being driven by Defendant Singh.

21. Defendant Smart owed a legal duty to Plaintiff, and the driving public-at-large, to maintain its commercial vehicles -- and to conduct their commercial trucking operations in a reasonably safe manner and in compliance with applicable safety laws and regulations.

22. Defendants breached the duty owed to Plaintiff, and the driving public-at-large, by failing to comply with all applicable state and federal standards and regulations, including, but not limited to, Title 47 of the Oklahoma Statutes and the Federal Motor Carrier Safety Regulations, which were enacted to protect the public, including Plaintiff, from injury. Plaintiff's injuries were of the type intended to be prevented by these standards and regulations.

23. Defendant's breach was the actual and proximate cause of Plaintiff's injuries and the damages alleged herein.

24. Defendants' violation of applicable safety laws, regulations, and standards as set forth herein, constitutes negligence *per se*.

25. As a result, Plaintiff has suffered personal injury, including medical expenses, mental and physical pain and suffering, permanent disfigurement, and other actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00).

**COUNT II. Negligent Hiring, Training, Supervision, Retention and Maintenance
(As to Defendant Smart)**

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Defendant Smart had a duty to train and supervise any and all employees and/or agents in the safe operation, transportation, and operation of its semi-tractor truck.

28. Upon information and belief to be confirmed through discovery, at the time of the accident, Defendant Smart knew or should have known that Defendant Singh had a propensity to engage in unlawful conduct in the operation of semi-tractor trailer equipment, like the type of semi-tractor trailer involved in the collision at issue.

29. Upon information and belief to be confirmed through discovery, by failing to adequately train and supervise Defendant Singh, as well as retaining Defendant Singh as an employee and/or agent of Defendant Smart, Defendant Smart breached the duty owed to Plaintiff and all other drivers on the road.

30. Upon information and belief to be confirmed through discovery, Defendant's breach was the actual and proximate cause of Plaintiff's injuries and the damages alleged herein.

31. As a result, Plaintiff has suffered personal injury, including medical expenses, mental and physical pain and suffering, permanent disfigurement, and other actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00).

**COUNT III. Negligent Entrustment
(As to Defendant Smart)**

32. Paragraphs 1 through 31 are incorporated herein by reference.

33. Defendant Smart owned the vehicle that Defendant Singh was driving at the time of the accident.

34. Upon information and belief to be confirmed through discovery, Defendant Smart allowed Defendant Singh to operate the vehicle when Defendant Smart knew, or should have known, that Defendant Singh was a careless, reckless, and incompetent driver.

35. Plaintiff incurred a loss as a result of this careless, reckless, and incompetent behavior.

36. As a result, Plaintiff has suffered personal injury, including medical expenses, mental and physical pain and suffering, permanent disfigurement, and other actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00).

**COUNT IV. Punitive Damages
(As to both Defendants)**

37. Paragraphs 1 through 36 are incorporated herein by reference.

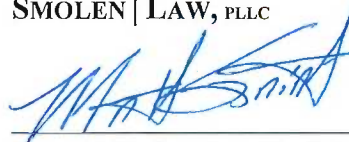
38. The willful, wanton, and reckless conduct of Defendants and utter indifference to the safety, health, and well-being of Plaintiff entitle Plaintiff to an award of exemplary damages under Oklahoma law. Furthermore, Defendants willfully, wantonly, and recklessly failed to comply with applicable state and federal safety laws and regulations regarding the operation and use of its vehicle, and such actions or inactions were not only detrimental to Plaintiff, but to the public at large.

39. The acts of Defendant Smart and its employees and/or agents were wrongful, culpable, and so egregious that punitive damages in a sum that exceeds Seventy-Five Thousand Dollars (\$75,000.00) should be awarded against it to set an example to others similarly situated that such inexcusable conduct will not be tolerated in our community.

WHEREFORE, premises considered, Plaintiff prays that this Court grant him the relief sought including, but not limited to, actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00) with interest accruing from date of filing of suit, punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), costs and all other relief deemed appropriate by this Court.

Respectfully submitted,

SMOLEN | LAW, PLLC

A handwritten signature in blue ink, appearing to read "Donald E. Smolen, II", is written over a horizontal line.

Donald E. Smolen, II, OBA #19944

Mathew S. Saint, OBA #31873

611 S. Detroit Ave.

Tulsa, OK 74120

P: (918) 777-4LAW (4529)

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matt@smolen.law

Attorneys for Plaintiff

**OKLAHOMA**
State Courts Network

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IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY, OKLAHOMA

HAYWARD-PREAUS, ALEC STONE VS. SINGH,
AMANDEEP

No. CJ-2023-00038
(Civil relief more than \$10,000: PERSONAL INJURY -
VEHICULAR)

Filed: 03/16/2023

Judge: MCAFFREY, JENNIFER

PARTIES

HAYWARD-PREAUS, ALEC STONE, Plaintiff
SINGH, AMANDEEP, Defendant

ATTORNEYS**Attorney**

DONEY, ANDREW
FIRST NATIONAL BANK BUILDING
2 NORTH MAIN, STE 404
MIAMI, OK 74354







Represented Parties**EVENTS****Event**

Wednesday, July 24, 2024
CIVIL-COURT CLERK TRACKING ONLY

Party**Docket****Reporter****ISSUES**



1. PERSONAL INJURY - VEHICULAR

DOCKET

Date	Code	Description	
03/16/2023	[TEXT]		\$ 163.00
		PETITION FOR OVER 10,000	
		Document Available (#1023839481)  TIFF  PDF	
		(Entry with fee only)	\$ 6.00
		(Entry with fee only)	\$ 7.00
		OKLAHOMA COURT INFORMATION SYSTEM FEE - EFFECTIVE 07/01/04	\$ 25.00
		LENGTHY TRIAL FUND- EFFECTIVE 1-1-05	\$ 10.00
		OK COURT APPOINTED SPECIAL ADVOCATES	\$ 5.00
		10% OF CASA TO COURT CLERK REVOLVING FUND	\$ 0.50
		OK COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND	\$ 1.55
		10% OF COJC TO COURT CLERK REVOLVING FUND	\$ 0.16
		STATE JUDICIAL REV. FUND INTERPRETER & TRANSLATOR SERVICES	\$ 0.45
		COURTHOUSE SECURITY FEE	\$ 10.00
		10% OF CHSC TO COURT CLERK REVOLVING FUND	\$ 1.00
		15% TO DISTRICT COURT REVOLVING FUND	\$ 2.48
		COURT CLERK PRESERVATION FUND	\$ 10.00
03/16/2023	[TEXT]		\$ 10.00
		SUMMONS ISSUED AMANDEEP SINGH	
		Document Available (#1023839483)  TIFF  PDF	
03/17/2023	[TEXT]		\$ -4.33
		AJE: MONIES DUE THE FOLLOWING AGENCY(IES) REDUCED	
		(Entry with fee only)	\$ -0.04
		(Entry with fee only)	\$ -0.63
		(Entry with fee only)	\$ -0.25
		(Entry with fee only)	\$ -0.06
		(Entry with fee only)	\$ -0.15
		(Entry with fee only)	\$ -0.18
		(Entry with fee only)	\$ -0.25
		(Entry with fee only)	\$ -0.13
		(Entry with fee only)	\$ -0.04
		(Entry with fee only)	\$ -0.01
		(Entry with fee only)	\$ -0.24
		AJE: COST DUE TO CARD ALLOCATION FEE	\$ 6.31
09/01/2023	[TEXT]		
		MOTION TO EXTEND SERVICE DEADLINE	
		Document Available (#1023839482)  TIFF  PDF	



09/05/2023 [TEXT]

ORDER EXTENDING SERVICE DEADLINE

Document Available (#1023839484)  



09/21/2023 [TEXT]

PLAINTIFF'S FIRST AMENDED PETITION

Document Available (#1026360821)  



09/21/2023 [TEXT]

ENTRY OF APPEARANCE

Document Available (#1026360809)  

09/21/2023 [TEXT]



ENTRY OF APPEARANCE

Document Available (#1026360819)  

10/05/2023 [TEXT]



\$ 10.00

SUMMONS ISSUED

Document Available (#1028019157)  



12/06/2023 [TEXT]

SECOND MOTION TO EXTEND SERVICE DEADLINE

Document Available (#1043018456)  



12/06/2023 [TEXT]

AFFIDAVIT OF SERVICE

Document Available (#1043020087)  



12/06/2023 [TEXT]

ORDER EXTENDING SERVICE DEADLINE

Document Available (#1043020146)  

01/12/2024 [TEXT]

NOTICE OF NOTICE OF REMOVAL

Document Available (#1050503096)  

**IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA**

ALEC HAYWARD-PREAUS,

Plaintiff,

v.

AMANDEEP SINGH,

Defendant.

Case No. CJ-2023- 38

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

MAR 16 2023

CASSIE KERR COURT CLERK
BY JK

PETITION

COMES NOW the Plaintiff, Alec Hayward-Preaus, and for his causes of action against Defendant, Amandeep Singh, allege and state as follows, to wit:

That Plaintiff, Alec Hayward-Preaus, is a resident of the County of Ottawa, State of Oklahoma. That to the best knowledge and belief of Plaintiff, Defendant, Amandeep Singh is resident of the City of Greenwood, County of Johnson, State of Indiana. That the negligent actions of Defendant, Amandeep Singh, took place in the County of Ottawa, State of Oklahoma. This Court is the proper Court to hear this action.

CAUSE OF ACTION


That on the 5th day of April, 2021, on a public roadway designated as I-44, County of Ottawa, State of Oklahoma, the Defendant, Amandeep Singh, negligently drove a motor vehicle so as to collide with a vehicle being then and there lawfully driven by Plaintiff, Alec Hayward-Preaus. Defendant, Amandeep Singh, was inattentively operating the semitruck, left the roadway, and rear-ended Mr. Preaus who was legally parked assisting a broken-down vehicle.

As a result, the Plaintiff, Alec Hayward-Preaus, was thrown about and injured, shattering the back windshield with his head, prevented from transacting his business, suffered great pain of body and mind and incurred expenses for medical attention, hospitalization, and loss wages.

WHEREFORE, premises considered, Plaintiff, Alec Hayward-Preaus, demands judgment against Defendant, Amandeep Singh, in a sum in excess of \$75,000.00 with interests and costs as provided by law.

Respectfully submitted.

DONEY LAW PLLC



By:

Andrew T. Doney, OBA #31366

2 North Main St., Ste. 404
Miami, OK 74354
(918) 540-2199 Fax (918) 540-1999
andrew@doney.law
Attorney for Plaintiff

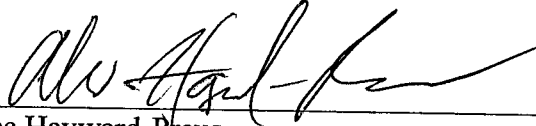
ATTORNEY LIEN CLAIMED, JURY TRIAL NOT WAIVED

VERIFICATION


STATE OF OKLAHOMA, COUNTY OF OTTAWA, SS:

Alec Hayward-Preus, of lawful age, being first duly sworn on oath, states:

That I have read the above and foregoing Petition; am familiar with the contents thereof; and the statements and allegations therein contained are true and correct.

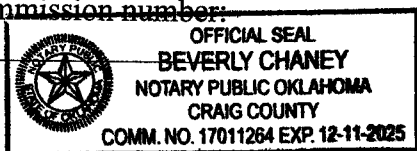

Alec Hayward-Preus

Subscribed and sworn to before me this 16th day of March, 2023.


Notary Public

My commission expires:

My commission number:



IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS,

Plaintiff,

v.

AMANDEEP SINGH,

Defendant.

Case No. CJ-2023-

38

SUMMONS

TO THE ABOVE-NAMED DEFENDANT: AMANDEEP SINGH
410 Remington Pt
Greenwood, IN 43143

You have been sued by the above-named Plaintiff and you are directed to file a written Response to the attached Petition in the office of the Court Clerk in the County named above **within twenty (20) days** after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your Response must be delivered or mailed to the attorney for Plaintiff, or to the Plaintiff if not represented by an attorney.

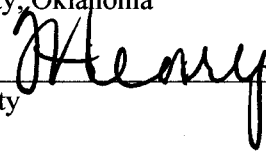
Unless you respond to the Petition within the time stated, judgment will be rendered against you for the relief demanded in the petition, with costs of the action.

Issued this 16 day of March, 2023.

CASSIE KEY, Court Clerk
Ottawa County, Oklahoma

By:

Deputy



Andrew T. Doney, OBA #31366
DONEY LAW PLLC
2 North Main, Ste. 404
Miami, OK 74354
(918) 540-2199 Fax (918) 540-1999
andrew@doney.law

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT IMMEDIATELY SO THAT A RESPONSE MAY BE FILLED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

This Summons AND Notice was served on this _____ day of _____, 2023.

Name of Person Serving Summons

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
Foreign for-Profit Corporation; and
AMANDEEP SINGH, an Individual,

Defendants.

Case No. CJ-2023-38

ATTORNEY LIEN CLAIMED

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

SEP 01 2023

CASSIE REY COURT CLERK

BY G. Blalock

MOTION TO EXTEND SERVICE DEADLINE

COMES NOW the Plaintiff, Alec Hayward-Preaus, by and through his attorneys of record, SMOLEN | LAW, PLLC and asks the Court to extend the deadline for him to obtain service upon Defendants. In support, Plaintiff states the following:

1. On March 16, 2023, Plaintiff filed his original Petition with this Court in CJ-2023-38, alleging claims of negligence against the Defendants arising out of a motor vehicle collision which occurred April 5th, 2021.

2. Pursuant to Okla. Stat. tit. 12 § 2004(I), the deadline for Plaintiff to serve Defendants with the Petition in this case is September 12, 2023.

3. Plaintiff is attempting to identify an additional defendant for purposes of filing an amended complaint. Plaintiff believes he will be able to locate this additional defendant within that time period.

4. Accordingly, Plaintiff requests an additional ninety (90) days, until December 11, 2023 to locate the additional party.

5. For the Court's convenience, a proposed order is being submitted herewith.

WHEREFORE, premises considered, Plaintiff prays the Court grant him an additional ninety (90) days, until December 11, 2023 to perfect service on Defendants.

Respectfully submitted,

SMOLEN | LAW, PLLC



Donald E. Smolen, II, OBA #19944

Mathew S. Saint, OBA #31873

611 S. Detroit Ave.

Tulsa, OK 74120

Tel: 918-777-4529

Fax: 918-890-4529

don@smolen.law

matt@smolen.law

Attorneys for Plaintiff

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
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FILED
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OTTAWA CO. OKLA.

SEP 05 2023

Case No. CJ-2023-38

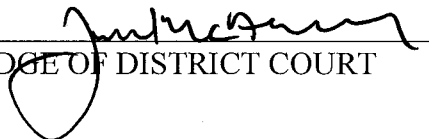
CASSIE KEY COURT CLERK

BY C. Blalock

ATTORNEY LIEN CLAIMED

ORDER EXTENDING SERVICE DEADLINE

Upon the motion of Plaintiff, Alec Hayward-Preaus, and for good cause shown, the Court finds that the deadline for serving Plaintiff's Petition upon Defendants Smart Future Xpress, Inc. and Amandeep Singh should be extended ninety (90) days, until December 11, 2023.


JUDGE OF DISTRICT COURT

PREPARED BY:

Mathew S. Saint, OBA #31873
611 S. Detroit Ave.
Tulsa, OK 74120
Tel: 918-777-4529
Fax: 918-890-4529
matt@smolen.law
Attorneys for Plaintiff

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
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Defendants.

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

SEP 21 2023

Case No. CJ-2023-38

CASSIE KEY COURT CLERK

BY _____

ATTORNEY LIEN CLAIMED

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PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Alec Hayward-Preaus is a citizen of the State of Oklahoma and resides in Ottawa County, Oklahoma.
2. Upon information and belief to be confirmed through discovery, Defendant Smart is a foreign for-profit Corporation doing business in the State of Oklahoma with its principal place of business located in Johnson County, Indiana.
3. Upon information and belief to be confirmed through discovery, Defendant Sing is a citizen of the State of Indiana residing in Johnson County, Indiana.

¹ This amended Petition is filed as a matter of course pursuant to 12 O.S. § 2015(A) as no responsive pleadings have been served.

4. This Court has jurisdiction and venue is proper in Ottawa County, Oklahoma pursuant to 12 O. S. § 134.

FACTUAL ALLEGATIONS

5. Paragraphs 1 through 4 are incorporated herein by reference.

6. At approximately 10:15 p.m. on April 5th, 2021, Plaintiff was driving his tow truck and legally parked on the shoulder of west-bound I-44 with his emergency lights on assisting a broken-down motorist.

7. Defendant Sing was also west-bound on I-44 when he was inattentive, left the roadway unto the shoulder where Plaintiff was legally parked causing a serious rear-end collision with Plaintiff.

8. Plaintiff was seriously injured as a result of the collision.

9. Defendant Sing was cited for Reckless Driving at the scene by Oklahoma Highway Patrol Trooper C. Rohr, in Citation Number N229697, in violation of 47 O.S. § 47.11-901.

10. At the time of the accident at issue, Defendant Smart was an authorized motor carrier operating pursuant to the Federal Motor Carrier Safety Regulations ("FMCSR"), 49 C.F.R. parts 350-399 under USDOT number 63391.

11. Upon information and belief to be confirmed through discovery, at the time of the collision at issue, Defendant Singh, a statutory employee of Defendant Smart, had been engaged in a pattern and practice of operating semi-tractor trucks in contravention of both state and federal laws.

CAUSES OF ACTION

**COUNT I. Negligence/Negligence *per se*
(As to both Defendants)**

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13. Defendant Singh, as a statutory employee and/or agent of Defendant Smart, owed a duty to Plaintiff, and all other drivers on the road, to operate the commercial vehicle under his control in a safe and reasonable manner, using ordinary care to prevent injury to other persons and to keep a lookout consistent with the safety of other vehicles.

14. By failing to operate the vehicle in such a way, and by acting recklessly with complete disregard for the health and well-being of Plaintiff and all other drivers on the road, Mr. Singh breached the duty owed.

15. Defendant Singh's breach was the actual and proximate cause of Plaintiff's injuries.

16. At the time of the April 5th, 2021 crash, Defendant Singh was acting in the course and scope of his employment with Defendant Smart. Consequently, Defendant Smart is vicariously liable for Defendant Singh's acts and omissions under the legal theory of *respondeat superior* and is thus liable for the damages as set forth herein.

17. Additionally, at the time of April 5th, 2021 crash, the vehicle driven by Defendant Singh was controlled and operated at the direction of Defendant Smart.

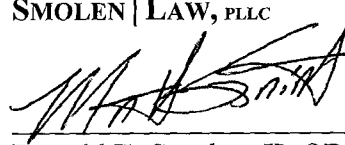
18. Furthermore, at the time of the collision alleged herein, Defendant Smart was the owner of the semi-tractor truck involved in the collision.

19. Defendant Smart is a motor carrier as defined by Title 47 of the Oklahoma Statutes and the Federal Motor Carrier Safety Act.

WHEREFORE, premises considered, Plaintiff prays that this Court grant him the relief sought including, but not limited to, actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00) with interest accruing from date of filing of suit, punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), costs and all other relief deemed appropriate by this Court.

Respectfully submitted,

SMOLEN | LAW, PLLC



Donald E. Smolen, II, OBA #19944

Mathew S. Saint, OBA #31873

611 S. Detroit Ave.

Tulsa, OK 74120

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Attorneys for Plaintiff

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
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ALEC HAYWARD-PREAUS, an
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SMART FUTURE XPRESS, INC. a
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SEP 21 2023

Case No. CJ-2023-38

CASSIE KEY COURT CLERK

BY



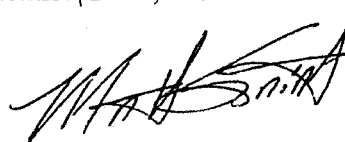
ATTORNEY LIEN CLAIMED

ENTRY OF APPEARANCE

COMES NOW Mathew S. Saint, of the law firm SMOLEN LAW, PLLC, and hereby enters his appearance as counsel of record for the Plaintiff, Alec Hayward-Preaus, and hereby requests that this Honorable Court and opposing counsel give notice to him of all proceedings scheduled and documents filed in this action.

Respectfully submitted,

SMOLEN | LAW, PLLC



Mathew S. Saint, OBA #31873
611 S. Detroit Ave.
Tulsa, OK 74120
P: (918) 777-4LAW (4529)
F: (918) 890-4529
matt@smolen.law
Attorneys for Plaintiff

**IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA**

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
Foreign for-Profit Corporation; and
AMANDEEP SINGH, an Individual,

Defendants.

Case No. CJ-2023-38

ATTORNEY LIEN CLAIMED

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

SEP 21 2023

CASSIE KEY COURT CLERK

BY 

ENTRY OF APPEARANCE

COMES NOW Donald E. Smolen, II, of the law firm SMOLEN LAW, PLLC, and hereby enters his appearance as counsel of record for the Plaintiff, Alec Hayward-Preaus, and hereby requests that this Honorable Court and opposing counsel give notice to him of all proceedings scheduled and documents filed in this action.

Respectfully submitted,

SMOLEN | LAW, PLLC



Donald E. Smolen, II, OBA #19944

611 S. Detroit Ave.

Tulsa, OK 74120

P: (918) 777-4LAW (4529)

F: (918) 890-4529

don@smolen.law

Attorney for Plaintiff

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a Foreign
for-Profit Corporation; and AMANDEEP
SINGH, an Individual,

Defendants.

Case No. CJ-2023-38

ATTORNEY LIEN CLAIMED

ORIGINAL SUMMONS

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**SMART FUTURE XPRESS, INC.
c/o Amandeep Singh, Registered Agent
1064 Long Stand Drive
Greenwood, IN 46143**

To the above-named Defendant(s)

You have been sued by the above-named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 5th day of Oct., 2023

County Court Clerk

By

Deputy Court Clerk

(Seal)

This summons and order was served on

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER
CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE
CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE
TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE

I certify that I received the foregoing Summons the _____ day of _____, 2023, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2023, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

NOT FOUND

Received this Summons this _____ day of _____, 2023. I certify that the following persons of the defendant within named not found in said County: _____.

FEES

Fee for service \$ _____, Mileage \$ _____, Total \$ _____.

Dated this _____ day of _____, 2023.

By:

Sheriff of _____ County,

AFFIDAVIT

I, _____, the undersigned, under oath, do say that I served this Summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Sheriff of _____ County,

Subscribed to and sworn to before me this _____ day of _____, 2023.

My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 2023, and receipt thereof on the dates shown:

Defendant

Address Where Served

Date Received

Signature of person mailing summons

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a
Foreign for-Profit Corporation; and
AMANDEEP SINGH, an Individual,

Defendants.

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

DEC 06 2023

Case No. CJ-2023-38

CASSIE KEY COURT CLERK
BY G. Blalock

ATTORNEY LIEN CLAIMED

SECOND MOTION TO EXTEND SERVICE DEADLINE

COMES NOW the Plaintiff, Alec Hayward-Preaus, by and through his attorneys of record, SMOLEN | LAW, PLLC and asks the Court to extend the deadline for him to obtain service upon Defendants. In support, Plaintiff states the following:

1. On March 16, 2023, Plaintiff filed his original Petition with this Court in CJ-2023-38, alleging claims of negligence against the Defendants arising out of a motor vehicle collision which occurred April 5th, 2021.
2. Pursuant to Okla. Stat. tit. 12 § 2004(I), the deadline for Plaintiff to serve Defendants with the Petition in this case was September 12, 2023.
3. On September 5, 2023, this Court granted Plaintiff's first Motion to Extend the service deadline until December 11, 2023.
4. While Plaintiff has successfully located and served Defendant Smart Future Express, Inc., he is continuing his efforts to locate and serve the remaining Defendant, Amandeep Singh.

5. Plaintiff is continuing his efforts to locate and serve the remaining Defendant and believes he will be able to obtain service on this additional defendant in the next ninety (90) days.

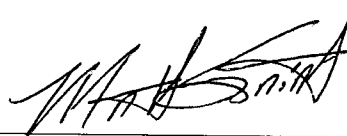
6. Accordingly, Plaintiff requests an additional ninety (90) days, until March 11, 2024 to locate and serve the additional party.

7. For the Court's convenience, a proposed order is being submitted herewith.

WHEREFORE, premises considered, Plaintiff prays the Court grant him an additional ninety (90) days, until March 11, 2024 to perfect service on Defendants.

Respectfully submitted,

SMOLEN | LAW, PLLC



Donald E. Smolen, II, OBA #19944

Mathew S. Saint, OBA #31873

611 S. Detroit Ave.

Tulsa, OK 74120

Tel: 918-777-4529

Fax: 918-890-4529

don@smolen.law

matt@smolen.law

Attorneys for Plaintiff

AFFIDAVIT OF SERVICE

Case: CJ-2023-38	Court: District Court in and for Ottawa County, State of Oklahoma	County: Ottawa, OK	Job: 9850036
Plaintiff / Petitioner: Alec Hayward-Preaus		Defendant / Respondent: Smart Future XPress, Inc; Amandeep Singh	
Received by: Hoosier Process Service, LLC		For: Smolen Law	
To be served upon: Smart Future XPress, Inc. c/o Amandeep Singh, Registered Agent			

I, Jon Robb, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Rajvir Kaur, 1064 Long Stand Dr, Greenwood, IN 46143

Manner of Service: Corporation, Nov 4, 2023, 11:09 am EDT

Documents: Original Summons, Petition

FILED
DISTRICT COURT
OTTAWA CO. OKLA

DEC 06 2023

Additional Comments:

1) Unsuccessful Attempt: Nov 2, 2023, 6:55 pm EDT at 1064 Long Stand Dr, Greenwood, IN 46143
No answer at the door.

CASSIE KEY COURT CLERK
BY C. Blalock

2) Successful Attempt: Nov 4, 2023, 11:09 am EDT at 1064 Long Stand Dr, Greenwood, IN 46143 received by Rajvir Kaur. Relationship: Authorized Agent;
Spoke with the registered agent's sister, and she took the documents after indicating she was authorized to do so. She also indicated that the registered agent was out of town until the 27th.



11/04/2023

Jon Robb

Date

Hoosier Process Service, LLC
Indianapolis, IN 46254
317-829-0420

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

ALEC HAYWARD-PREAUS, an Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a Foreign
for-Profit Corporation; and AMANDEEP
SINGH, an Individual,

Defendants.

Case No. CJ-2023-38

ATTORNEY LIEN CLAIMED

ORIGINAL SUMMONS

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SMART FUTURE XPRESS, INC.
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1064 Long Stand Drive
Greenwood, IN 46143

To the above-named Defendant(s)

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Issued this 5th day of Oct., 2023

County Court Clerk

By

P. Blalock
Deputy Court Clerk

(Seal)

This summons and order was served on

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER
CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE
CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE
TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

DEC 06 2023

CASSIE KEY COURT CLERK
BY C. Blalock

ALEC HAYWARD-PREAUS, an
Individual,

Plaintiff,

Case No. CJ-2023-38

v.

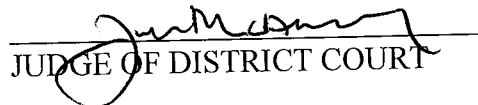
SMART FUTURE XPRESS, INC. a
Foreign for-Profit Corporation; and
AMANDEEP SINGH, an Individual,

ATTORNEY LIEN CLAIMED

Defendants.

ORDER EXTENDING SERVICE DEADLINE

Upon the motion of Plaintiff, Alec Hayward-Preaus, and for good cause shown, the Court finds that the deadline for serving Plaintiff's Petition upon Amandeep Singh should be, and is hereby extended ninety (90) days, until March 11, 2024.


JUDGE OF DISTRICT COURT

PREPARED BY:

Mathew S. Saint, OBA #31873
611 S. Detroit Ave.
Tulsa, OK 74120
Tel: 918-777-4529
Fax: 918-890-4529
matt@smolen.law
Attorneys for Plaintiff

**IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA**

**ALEC HAYWARD-PREAUS, an
Individual,**

Plaintiff,

V.

SMART FUTURE XPRESS, INC., a Foreign for-Profit Corporation; and AMANDEEP SINGH, an Individual,

Defendants.

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

JAN 12 2024

Case No. CJ-2023-38

CASSIE KEY COURT CLERK

BY C. Blalock

NOTICE OF NOTICE OF REMOVAL

TO: THE CLERK OF THE OTTAWA COUNTY DISTRICT COURT

**Cassie Key, Court Clerk
Ottawa County District Court
102 E. Central Ave., Suite 203
Miami, Oklahoma, 74354**

PLEASE TAKE NOTICE that the above-captioned cause has been removed from this Court to the United States District Court for the Northern District of Oklahoma, and that attached is a copy of the Notice of Removal which was filed on August 30, 2023, with the United States District Court for the Western District of Oklahoma, removing this case from the District Court of Oklahoma County, State of Oklahoma, pursuant to 28 U.S.C. §§1331, 1332, 1441, 1445 and 1446. A copy of the Notice of Removal is attached hereto as Exhibit “A.”

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.

Stuart D. Campbell, OBA #11246
700 Williams Center Tower II
Two West Second Street

Tulsa, Oklahoma 74103-3522
Telephone 918-582-1211
Facsimile 918-591-5360
scampbell@dsda.com

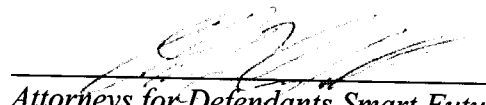
Kaylee Davis-Maddy, OBA No. 31534
210 Park Avenue, Suite 1200
Oklahoma City, OK 73102
Telephone (405) 319-3513
Facsimile (405) 319-3524
kmaddy@dsda.com

*Attorneys for Defendants Smart Future Xpress, Inc. and
Amandeep Singh*

CERTIFICATE OF SERVICE

I hereby certify that, on January 10, 2024, a true and correct copy of the foregoing document was served upon the following via electronic mail, and/or U.S. Mail, postage prepaid:

Smolen Law, PLLC Donald E. Smolen, II Mathew S. Saint 611 S. Detroit Ave. Tulsa, OK 74120 don@smolen.law matt@smolen.law	DONEY LAW PLLC Andrew T. Doney 2 North Main St., Ste. 404 Miami, OK 74354 andrew@doney.law
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*Attorneys for Defendants Smart Future Xpress, Inc. and
Amandeep Singh*

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